

5.08.095 – Late Night Permit

- A. The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B or Class C license to apply for either a 1:00 a.m. or 2:00 a.m. late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit. Class B and C licenses, absent a Class E-6 Temporary License Permit or Late Night Permit, will be permitted to operate until either 1:00 a.m. or 2:00 a.m. immediately following the day of the City of St. Charles sponsored St. Patrick's Day Parade, the Wednesday before Thanksgiving, and New Year's Eve.
- B. The City Council may, but is not limited to, consider the following criteria in reviewing and recommending the issuance of the late night permit to the Liquor Control Commissioner.
 - 1. The surrounding land uses,
 - 2. The business concept,
 - 3. The proximity to other liquor establishments,
 - 4. The applicant's prior business experience,
 - 5. The public's health, safety and welfare,
 - 6. Public Safety resources,
 - 7. Market conditions,
 - 8. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.
- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late night permit application may result in a delay in issuing said license and permit by May 1 of that year.
- D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
 - 1. Chief of Police
 - 2. Fire Department
 - 3. Finance Department
 - 4. Community Development Department
- E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the late night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.
- F. Any application and recommendation for a new or renewal of a late night permit, shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a late night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor licensee with the late night permit shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.
- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late night permit, and has demonstrated

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circumstances giving reason to review whether that late night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:

1. Finance Department as it relates to unpaid fees, utilities or city taxes;
 2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
 3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
 5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.
- L. In the event a late night permit, due to a violation, is revoked or the hour for closing is reduced, there shall be no reimbursement of the later night permit fee.

(2015-M-14 : § 1; 2014-M-4 : § 2)